

**BOROUGH OF DUMONT
BERGEN COUNTY, N.J.
EXECUTIVE MEETING MINUTES
OCTOBER 19, 2010
6:30 PM**

Mayor McHale called the meeting to order.

Flag Salute; Silent Prayer

Sunshine Law: The notice requirements of the Open Public Meetings Act of the State of New Jersey have been satisfied by the inclusion of the date, time and place of this regular meeting in the annual schedule and notice of regular meetings of this Governing Body. Such annual schedule and notice of regular meetings is posted at Borough Hall, was sent to *The Record* and the *Press Journal*, posted on the Borough website and filed with the Borough of Dumont on January 5, 2010.

Roll Call:

Council members Carrick, Freeman, Manna, Stylianou, Zamechansky-present

Councilman Caspare-absent-excused

Mayor McHale-present

Also present: Borough Administrator Perkins, Borough Attorney Paster, Borough Engineer Carrino, CFO Giotis, Hydro geologist and LSRP Matulewicz from T&M and Borough Clerk Connelly.

Administrator Perkins' Report

There is a parking issue on Dixon Avenue. The traffic division is attempting to address it.

The Borough received \$283,932.79 from Open Space for projects which have been closed out.

Energy Efficiency Conservation Block Grant Rebate application form has been submitted for the \$20,000 clean energy grant. The cost for retrofitting the DPW and Borough Hall should amount to less than \$1,000.

The FEMA reimbursement of \$102,000 from the March storm is being processed by the State Police. We also signed off on \$20,000 reimbursement by JIF for the netting and backstops at Memorial Park.

Borough Attorney's Report

Mr. Paster and the Borough Engineer continue to meet with residents involved in the NJEIT Phase II Flood Control project. It has been very well received.

Mayor McHale stated that Councilman Freeman had asked T&M to review Alaimo's proposal for TwinBoro Field remediation. Bill Matulewicz, an LSRP in T&M's environmental division, had reviewed the proposal. He explained the different areas of the proposal and feels that it is a reasonable evaluation and fee.

After much discussion, the Governing Body authorized Phase I, the investigatory phase, which amounted to \$52,000. The remediation has to be done and should not be postponed any longer.

Motion to put Phase I resolution on the agenda: Councilwoman Zamechansky

Second: Councilman Manna

All in favor.

Mr. Perkins explained that he had gotten a call from the DPW that two members of the DEP were on site. He told them that he had no information and no idea there was contamination at the DPW site. They produced a map which showed approximately eighteen wells that had been monitored dating back to the '90's, which were still active. They explained that there had been a memorandum of agreement years ago with the DEP to monitor the wells and to deal with the contamination. September 16th they returned and said that there were still some issues with some of the wells. A notification form was received by the Borough from the DEP the 29th of September. Mr. Perkins filled it out and sent it back. He also got the name of the Borough's attorney in the '90's, who is now a sitting judge-William DeLorenzo. Judge DeLorenzo's staff obtained the documents from their archives, which Mr. Perkins reviewed and made copies of. At some point following the memorandum of agreement there had been a decision not to do anything even though an engineering firm had been hired to put together a plan. The DEP notified the Borough that the MOA was dropped. The tanks were never submitted to JIF at the time so they will not cover the cost of the remediation.

Mr. Paster said that following review of the documents, it appears that from 1986 through 1990 there were as many as five case numbers open. One of those included the removal of a three thousand gallon gasoline tank at the DPW site. There was a large hole at the bottom and when it was removed it was discovered that the entire contents of the tank had leached into the ground. Over the course of time and up to 1996, there were consultants and engineers on retainer. Sometime in 1996 it appears there was an issue over fees with one of the consultants, HLA. A memorandum of agreement was entered into in 1996 but the issue of the consulting fees was ongoing. In the summer of 1996 HLA threatened to stop working unless they were paid the approximately \$38,000 owed to them. In October 1996, there was a meeting with the Borough administration and Mayor Winant said that the bill would be paid in January, 1997. In January, 2002 Mr. DeLorenzo wrote Mr. Eckel asking whether the municipality intended to pursue the matter. Mr. Paster has requested the case files from DEP through an OPRA request in order to fill in the blanks. He recommends that this should be referred to the Attorney General due to possible criminal culpability. The cost will be much higher now than it would have been if it had been taken care of in the mid-nineties.

Mr. Matulewicz, an LSRP (licensed site remediation professional) with T&M, explained that there had been multiple releases of gasoline and petroleum products at the DPW site. In 1996, the last sampling, there were still fairly high levels of gasoline constituents. The DEP is now demanding that we pick up where we left off in 1996. Ground samples would have to be obtained. The regulations have changed quite a bit. The Department has privatized the cleanup business. Instead of a case manager they now require an LSRP, who essentially serves as an agent of the Department and ensures all work is completed in accordance with all DEP regulations.

Mr. Paster informed those present that according to the September 29th DEP letter, the Borough has to retain an LSRP within 45 days. He recommended that T&M is authorized to submit a proposal.

Motion to authorize T&M to submit a proposal: Councilman Carrick

Second: Councilman Manna

All in favor.

There were questions from the Council regarding obtaining grants or other ways to help pay for this remediation and about increases in insurance premiums due to this issue.

Review for Public Meeting:

RESOLUTIONS

#10-275 Bills List

#10-276 Authorization of Shared Services Agreement between Dumont (Member of Riverside Cooperative) and the County of Bergen for Mounted Infrared Restoration System for Asphalt

#10-277 Community Development Account to be Opened at North Jersey Community Bank

#10-278 Authorization for Alaimo Group to Complete Phase I-TwinBoro Field-not to exceed \$52,000

Motion to adjourn: Councilman Stylianou

Second: Councilman Manna

All in favor.

Minutes respectfully submitted by:

Susan Connelly, RMC

Borough Clerk